

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

----- X
:
PATRICIA COHEN,
:
Plaintiff, :
:
-against- :
:
STEVEN COHEN, DONALD COHEN, :
BRETT LURIE, EDWARD BAO, S.A.C. :
CAPITAL MANAGEMENT, INC., DONALD :
T. COHEN C.P.A., P.A., AND GRUNTAL & :
CO. L.L.C., : Hon. Richard J. Holwell
Defendants. : No. 09 CV 10230 (RJH)
:
:
:
:
:
:
:
:
:
:
----- X

**RESPONSE OF THE COHEN AND S.A.C. DEFENDANTS
TO JUNE 9, 2010 MOTION TO WITHDRAW AS COUNSEL**

WILLKIE FARR & GALLAGHER LLP
Martin Klotz
John R. Oller
Tariq Mundiya
787 Seventh Avenue
New York, New York 10019

*Attorneys for Defendants Steven Cohen,
Donald Cohen, S.A.C. Capital Management,
Inc., and Donald T. Cohen C.P.A., P.A.*

RESPONSE OF THE COHEN AND S.A.C. DEFENDANTS
TO JUNE 9, 2010 MOTION TO WITHDRAW AS COUNSEL

On June 7, 2010, Dr. Gaytri D. Kachroo and Kachroo Legal Services, P.C., moved to withdraw as counsel for Plaintiff Patricia Cohen and for a stay of proceedings (the “June 7 Motion”). Later that day, the court clerk rejected the filing as technically defective and instructed counsel to refile her motion. On June 9, 2010, Dr. Kachroo and Kachroo Legal Services, P.C. filed a motion to withdraw as counsel (the “June 9 Motion”). The June 9 Motion was silent about the application for a stay contained in the June 7 Motion. On June 10, 2010, Defendants Steven Cohen, Donald Cohen, S.A.C. Capital Management, Inc., and Donald T. Cohen C.P.A., P.A. (“Defendants”) filed a Response to the June 7 Motion in which they did not oppose the motion to withdraw and requested that the stay sought in the June 7 Motion be granted only on certain proposed conditions.

On Tuesday, June 29, Defendants learned that the June 9 Motion was intended to supersede the June 7 Motion, and was not merely a refiling to correct technical errors. On that date, Dr. Kachroo advised that, by filing the June 9 Motion, she intended, in accordance with instructions from Plaintiff Patricia Cohen, to withdraw the application for a stay contained in the June 7 Motion.

Under the briefing schedule agreed to by the parties at the April 30, 2010 conference in this matter, as reflected in a stipulation and order filed June 3, 2010, any opposition to Defendants’ motion to dismiss the complaint was required to be filed on or before June 25, 2010. No stay of that deadline has been granted, and it now appears that no stay is even being sought. June 25 has passed and no opposition has been filed. Accordingly, Defendants respectfully request that the Court treat the motion to dismiss as unopposed, grant the motion, and dismiss the

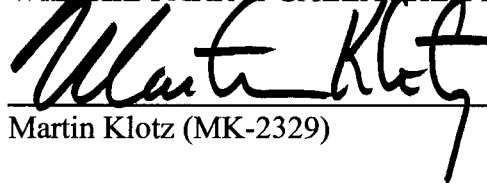
action with prejudice. See In re: Refco Capital Markets, Ltd. Brokerage Customer Secs. Litig., No. 06 Civ. 643, 2007 WL 2694469, at *6 (S.D.N.Y. Sept. 13, 2007) (unopposed motion to dismiss granted without leave to replead).

On June 30, 2010, as Defendants were about to file this Response, the Court entered orders (1) granting Dr. Kachroo's motion to withdraw as counsel and (2) extending Plaintiff's time to respond to Defendants' motion to dismiss to September 6, 2010. We believe the Court was unaware -- as Defendants were until Tuesday -- that Plaintiff was not seeking either a stay of proceedings or an extension of time to respond to the motion to dismiss. Accordingly, while we did not and do not oppose Dr. Kachroo's motion to withdraw as counsel, we submit there is no basis for any extension of time, and the Court should proceed to dismiss the complaint with prejudice.

Dated: New York, New York
July 1, 2010

Respectfully submitted,

WILLKIE FARR & GALLAGHER LLP

A handwritten signature in black ink, appearing to read "Martin Klotz", is written over a horizontal line.

Martin Klotz (MK-2329)

787 Seventh Avenue
New York, New York 10019
(212) 728-8000
(212) 728-8111 (Fax)
mklotz@willkie.com

*Attorneys for Defendants Steven Cohen, Donald
Cohen, S.A.C. Capital Management, Inc., and Donald T.
Cohen C.P.A., P.A.*